

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 RICHARD ARTHUR CALDWELL,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL, Acting
14 Commissioner of the Social Security
Administration,

15 Defendant.

CASE NO. 3:17-CV-05178-JRC

ORDER ON STIPULATED
MOTION FOR EQUAL ACCESS
TO JUSTICE ACT FEES

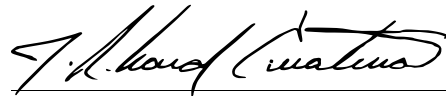
16
17 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local
18 Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge
19 and Consent Form, Dkt. 5; Order on Consent to Proceed Before a United States Magistrate
20 Judge, Dkt. 13). This matter is before the Court on plaintiff's Stipulated Motion for Attorney
21 Fees Under 28 U.S.C. § 2412(d) (*see* Dkt. 16).

22 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), the Stipulation of
23 the parties (*see* Dkt. 16), the time itemization (Dkt. 16, Attachment 2), and the relevant record, it
24 is hereby ORDERED that EAJA attorney's fees of \$548.66 shall be awarded to plaintiff pursuant

1 to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763
2 at ***6-***7 (2010).

3 The Acting Commissioner agrees to contact the Department of Treasury after the Order
4 for EAJA fees is entered to determine if the EAJA fees are subject to any offset. If it is
5 determined that plaintiff's EAJA fees are not subject to any offset allowed pursuant to the
6 Department of the Treasury's Offset Program, then the check for EAJA fees shall be made
7 payable to Kevin Kerr, Esq., based on plaintiff's assignment of these amounts to plaintiff's
8 attorney (*see* Social Security Fee Agreement, Dkt. 16, Attachment 1). If there is an offset, the
9 remainder shall be made payable to plaintiff, based on the practice of the Department of the
10 Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees shall be
11 mailed to plaintiff's counsel, Kevin Kerr, Esq., at Schneider, Kerr & Robichaux, P.O. Box
12 14490, Portland, OR 97293.

13 Dated this 5th day of September, 2017.

14 

15 J. Richard Creatura
16 United States Magistrate Judge

17
18
19
20 J. Richard Creatura
21 United States Magistrate Judge
22
23
24